

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2018GY514		
<b>Name of Service:</b>	Spraoi Early Learning Centre		
<b>Address of Service:</b>	Stradbally North, Clarinbridge, Co. Galway.		
<b>Eircode:</b>	H91 DP7K		
<b>Name of Registered Provider:</b>	Theresa Murphy		
<b>Service type:</b>	Full Day, Part Time, Sessional		
<b>Date of Inspection:</b>	24/04/2023		
<b>No of pre-school children:</b>	AM	45	PM 44
<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Quality and Regulation Directorate, Clinical & Administration Building, Block A - (1st Floor- Green Corridor), Merlin Park, Galway.		
<b>Inspection undertaken by:</b>	S. Meehan and A. Mc Carthy.		
<b>Title:</b>	Early Years Inspectors.		

### Authority to Inspect

The Tusla Early Years Inspectorate carries out inspections of Early Years Services under Section 58(J) of the Child Care Act 1991 (as inserted by Section 92 of the Child and Family Agency Act 2013).

<b>Conditions if applicable</b>	Not applicable
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### Description of service

This privately owned childcare service is under the present management since 2018. The service is located in the village of Clarinbridge, Co Galway. The service offers a full day, part time, sessional programmes of care from 8 am to 6 pm, from Monday to Friday, for children aged between 0 to 6 years of age. The service caters for a maximum number of 56 pre-school children at any one time. During the inspection 4 of 5 playrooms were in operation, the service has 2 designated sleep rooms and a designated kitchen where the meals are reheated. To the rear and side of the pre-school is a secure outdoor play area for children's play, exploration and fresh air. There is a designated utility room and staff room adjacent to the outdoor play area

### Staffing

On the 24 April 2023 the area manager, the service manager and 8 members of staff were working directly with the children. The registered provider was not present on the day of inspection.

### Methodology

Tusla's Early Years Inspectorate is the independent statutory regulator of early years services in Ireland. The Child Care Act 1991 (Early Years Services) Regulations 2016 define the duty of a registered provider to ensure the safety and well-being of children and to comply with these regulations. This Act also gives Tusla the authority to assess compliance with the regulations. The purpose of regulation in relation to early years services is to ensure that the care, safety, and well-being of children attending such services is upheld. Inspections of early years services are planned based on the following:

- Previous inspection history
- Any information received in relation to the service

The findings on inspection are based on:

- Information obtained through examination of documentation
- Direct observation
- Discussion with relevant staff

This inspection was unannounced and focused on the area of governance, health, welfare and development of child and safety. The inspections may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 9, 11, 16, 19 (1)(a), 23,24,25, 26, 28 and 32. These findings are outlined within the relevant regulations within this report.

Inspection findings are documented in the inspection report which is first issued in draft format to the service with an opportunity to respond to any findings. Where statutory requirements are identified as not being met, the registered provider must demonstrate how they have rectified the non-compliance and will prevent any non-compliance from re occurring. The Corrective Action and Preventive Action plan (CAPA) will be used to inform decisions about compliance with regulatory requirements. Where the registered provider fails to meet the statutory requirements an escalation process may be commenced.

The inspectorate reserves the right to edit responses received for reasons including clarity, completeness and compliance with administrative and legal processes.

The contents of the report are compiled by the inspectorate body.

## Additional Information

The inspection was triggered by information received by the Early Years Inspectorate.

25/04/2023

An Immediate action notice was issued under Regulation 9(2)(c), a mandatory Garda vetting disclosure was not available for 1 member of staff who was present in the service contrary to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.

A response was received on the 25th of April 2023 from the registered provider, who stated that the staff member would not be working in the service, a Garda vetting disclosure has been received and assessed.

05/05/2023

A copy of the outstanding Garda vetting was submitted by the registered provider to the office of the Early Years Inspectorate.

## Acknowledgments

The inspectors wish to acknowledge the cooperation of the area manager, person in charge, staff and children who were present on the day of the inspection.

### Part III – Management and Staff

#### Regulation 9 – Management and recruitment

(1) A registered provider shall ensure that-

- (a) the service has a designated person in charge and a named person who is able to deputise as required,
- (b) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in subparagraph (a) is on the premises, and

(2) A registered provider shall ensure that each employee, unpaid worker and contractor is suitable and competent taking into consideration the nature of the needs of children, including by-

- (a) consideration of references from the person's past employers, if any, and in particular the most recent employer, if any,
- (b) consideration of references from reputable sources in the case of a person who has no past employers,
- (c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and
- (d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.

(4) A registered provider shall ensure that, without prejudice to the generality of paragraph (2) and subject to paragraphs (5) and (6), each employee working directly with children attending the service holds at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.

(3) there is a clear management structure in the service that identifies the lines of authority and accountability in the service and the specific roles and responsibilities of each employee and unpaid worker.

#### Compliance Information

(1)(a) The manager was the designated person in charge and there was a named person available to deputise in the service.

(b) The person in charge was on the premises when the early years inspector arrived and remained on for the duration of the inspection. Staff rosters indicated that either the designated person in charge or deputy were available, on the premises, when the pre-school children were present.

All thirteen staff files were reviewed by the Early Years Inspectors.

- (2) (a)&(b) Twenty-six written validated references were on file from a past employer or reputable source for twelve adults.
- (c) Garda vetting disclosures were available in respect of twelve staff working in the service.
- (d) Ten adults worked outside the jurisdiction, for longer than six consecutive months or more, while over the age of 18 years had the required police vetting disclosure.
- (4) Eight of the twelve adults who were working directly with the children, had evidence of an award in Quality and Qualifications Ireland (QQI) at a Level 5 on the National Framework of Qualifications, in Early Childhood Care and Education or a qualification deemed by the Minister to be equivalent.

### Non-Compliance Information

- (2) (c) Garda vetting was not available for 1 adult working directly with children in the service.
- (d) Two of the ten police vetting's disclosures from a location outside the jurisdiction, were not translated to english.
- (3)(a) The service did not comply with the recruitment policy, which specifies the procedure to be followed prior to the recruitment of staff. Following a review of the staff files, verification of references, qualifications and vetting documentation were not completed prior to all employees commencing in the service.
- (4) Four adults working directly with children, did not hold one of the following or have evidence of :
- A minimum award in Quality and Qualifications Ireland (QQI) at a Level 5 on the National Framework of Qualifications, in Early Childhood Care and Education or a qualification deemed by the Minister to be equivalent.
  - An exemption from the qualification requirement and confirmation that the Minister accepts this exemption.
  - The qualification requirement or relevant specialist training and the basis on which the capitation may be used for a person employed under the Access and Inclusion Model (AIM), detailed in an exemption letter from Pobal.

### Corrective & Preventive Action submitted by the Registered Provider

The registered provider stated in their response that:

#### Corrective Action

(2)(c) The registered provider submitted Garda vetting for the adult to the office of the Early Years Inspectorate.

(d) Translations have been sought and translated into English.

(3)(a) All vetting procedures has been put in place as part of the recruitment policy.

(4) The service has now all qualifications available for adults.

### **Preventative Action**

(2)(c) In future all vetting procedures will be carried out prior to an adult working directly with children.

(d) A new translation service has been sourced and in future all documents will be translated.

(3)(a) In future the service will ensure that all vetting procedures are carried out prior to adults being employed.

(4) In future all qualifications will be put on file for inspection.

### **Supporting documentation submitted**

(2)(c) The registered provider submitted a copy of the outstanding Garda vetting on the 05/05/2023.

(d) Documented photographic evidence submitted.

(3)(a) A copy of the recruitment policy was reviewed.

(4) Documented evidence was submitted.

### **Summary Comment**

(2)(c) and (d), (4) and (3)(a)

The evidence submitted to the office of the Early Years Inspectorate has been reviewed by the Early Years Inspector. It has been deemed to have met the requirements of this part of the Regulations.

### Part III – Management and Staff

#### Regulation 11 - Staffing levels

*(1) Subject to this Regulation, a registered provider shall ensure that there is at all times an adequate number of adults working directly with the children attending the pre-school service.*

*(8) Without prejudice to paragraphs (2) to (7)-*

*(a) a registered provider of a pre-school service other than a child-minding service or a sessional pre-school service shall ensure that there are at least 2 adults on the premises at all times.*

#### Compliance Information

- (1) On the morning of the inspection, at there were forty-five preschool children present with 10 adults working directly with, caring and supervising these children.
- In the afternoon, of the inspection, there were forty-four children present being cared for by 10 adults. The person in charge and area manager assisted with the administration duties of the inspection, acted as childcare relief and carried out cooking duties in the service kitchen.
- (8)(a) During the inspection indicated that more than 2 adults were on the premises when the preschool was operating.

## Part IV – Information and Records

### Regulation 16 – Record in relation to pre-school service

*(1)(k) details of any accident, injury or incident involving a pre-school child attending the service.*

#### Non-Compliance Information

(k) A sample of 8 children’s accidents and incidents were reviewed. Out of the 8 reviewed 4 were not signed by the parent / guardian, which was in conflict with the service Accident & Incident Policy. It is acknowledged that all eight were sent to parents / guardians via an app, but the service did not ensure they were signed.

#### Corrective & Preventive Action submitted by the Registered Provider

The registered provider stated in their response that:

##### **Corrective and Preventive Action**

(k) Parents have been sent a reminder asking them to sign any outstanding and all future incident reports published to them on the multimedia application. In future the service will ensure that reports are signed.

##### **Supporting documentation submitted**

No evidence submitted.

#### Summary Comment

The action taken by the registered provider has been reviewed by the Early Years Inspector and have met the requirements of this part of the Regulations.

## Part V - Care of Child in Pre-school Service

### Regulation 19 - Health, welfare and development of child

(1) A registered provider shall, in providing a pre-school service, ensure that-

(a) each child's learning, development and well-being is facilitated within the daily life of the pre-school service through the provision of the appropriate activities, interaction, materials and equipment, having regard to the age and stage of development of the child.

#### Compliance Information

(1)(a)

##### Basic Needs

- The children were given sufficient time to eat in an unhurried manner and older children sat at age-appropriate low-level tables and chairs at meal / snack times.
- Bibs were available and used for children in the Wobbler / Toddler rooms at their snack / mealtimes.
- Children who wore nappies had their nappies changed on a regular basis, in a timely manner in the designated nappy changing area.
- Older children were toilet trained and either used the toilet independently or with some assistance, as required.

#### Non-Compliance Information

(1)(a)

##### Basic Needs

1. It is acknowledged that children had drinking water available in the playrooms. The younger children were not offered water by the staff during mealtimes and the staff had to be prompted to provide water for the children.
2. Children attending three of the playrooms did not have the opportunity to play outside for physical exercise and movement. It is acknowledged that one of the four playrooms was observed on the day of inspection playing in the outdoor area.
3. The Giraffe and Hippos rooms did not have an adequate area for children to rest and relax during the day.
4. Staff did not respond to children cues for assistance in a timely manner in the Giraffe room. From approximately 10.15am to 10.45am children were observed crying for a prolonged period. Staff were observed not to hold and comfort some of the children while they were crying until prompted by the inspector. The service manager assisted staff when alerted by the inspector.

- In the Hippo room, staff did not respond to childrens cues of tiredness or need for sleep/rest. Two children aged 2 years were observed sleeping on unsuitable surfaces. One child was observed asleep on a wooden table with children engaged in tabletop activities around the child. A second child was observed asleep on a wooden bench.

### Supporting Relationships

- In the Hippo and Giraffe rooms staff were observed not being able to communicate effectively with the children in their care or with the inspection team due to a language barrier. Two staff when asked for their names, rostered hours, programme of care and the use of the childcare application device they were unable to understand and communicate effectively with the inspectors.

### Physical & Material Environment

- The layout of defined interest areas and resources in the playrooms did not support each child's wellbeing, learning and development.

The Hippos and Giraffe rooms were not adequately resourced for number and age range of the children in attendance. It was observed by the inspectors that household areas, a wooden kitchen, a dolls house and a farm set did not have supporting materials for children to engage in pretend play. There was a limited amount of dress up clothes, small world toys, musical instruments and sensory toys. Due to the insufficient amount of equipment and materials the children were observed to arguing and crying over the use of toys with their peers.

### Corrective & Preventive Action submitted by the Registered Provider

The registered provider stated in her response that:

#### Corrective and Preventive Action

##### Basic Needs

- Staff have had further training including instruction on the importance of providing water to all children throughout the day. Signage was placed in each classroom reminding staff of the importance of providing water at mealtimes.
- All children have access to the outdoor area and in future the service will ensure that all children have access to outdoor play.
- Additional soft matting ordered to extend the relaxation area and a review of soft areas in the building was completed.

4. There was a child settling in to the room at the time and was new to service and was upset and finding the transition difficult. Staff advised that when children are settling into the service and are upset parents should be contacted earlier to prevent a child being upset for too long.
5. Staff have been advised to observe signs of tiredness more closely and to ensure children are offered rest time earlier in the day. Additional training provided for staff to support them in their role.

### **Supporting Relationships**

6. Staff were nervous speaking with the inspectors and as it was their first inspection found it very difficult. Staff advised to take additional English lessons to improve their language skills in English urgently. Staff members will be sought with better level of English in future.
7. Additional materials have now been purchased and put in place. Ongoing review of the materials will be carried out by the service.

### **Supporting documentation submitted**

#### **Basic Needs**

1. Photographic evidence was submitted of the water station and the signage.
2. No evidence submitted.
3. Photographic evidence of new soft seating and matting was submitted.
4. No evidence submitted.
5. & 6. No evidence submitted.
7. Photographic evidence of new play equipment was submitted to the Early Years Inspectorate.

### **Summary Comment**

1-7 The photographic evidence and response by the registered provider has been reviewed by the Early Years Inspector and has met the requirements of this part of the Regulations.

## Part VI - Safety

### Regulation 23 - Safeguarding health, safety and welfare of child

*A registered provider shall ensure that all reasonable measures are taken to safeguard the health, safety and welfare of a pre-school child attending the service and that the environment of the service is safe.*

#### Compliance Information

##### General Safety:

- The entrance door into the pre-school was secure to prevent unauthorised access by a person or a child existing unsupervised.
- The external outdoor play areas were secured by fencing, concrete walls and gates so that unauthorised persons could not access or enter the area or children could not exit unsupervised.
- All cleaning agents and equipment were inaccessible and stored out of reach from the children.

##### Infection Control:

- Hand washing by the children was observed prior to eating snacks lunch and after toileting.
- There were paper towels provided at wash hand basins to facilitate hand drying by the children and the adults. Dispensers for liquid soap were provided at sinks and wash hand basins.
- Running cold and warm water for use by the pre-school children was thermostatically controlled to not exceed 43°C to facilitate hygienic hand washing.
- Suitable nappy disposal bins were available, and nappies were disposed of in a sealed, airtight container.
- The service had a system for sterilising soothers for younger children.
- There were daily and weekly cleaning rota and cleaning was documented.

##### Administration of Medication:

- Medication was stored safely in the service kitchen.
- Medication that was administered was recorded on the childcare application device.

##### Safe Sleep:

- There was two designated sleep room with nine cots respectively for children younger than 2 years of age. Additionally, there was sleep mats and stackable beds were available for older children who required sleep.
- Sleep checks on sleeping children were carried out and documented by staff every 10 mins.
- A thermometer was available in the sleep room and used as the method of recording the sleep room temperature and necessary any remedial action when temperatures were above 20 °C and below 16 °C.

- A supply of clean linen was available and stored in individual containers.

### Fire Safety:

- The service completes monthly fire drills to support the safe evacuation in the event of a fire.
- Fire exit signage and assembly points were noted.

### Outing:

- An outing was not undertaken on the day of inspection. The manager confirmed that outings are not currently undertaken.

## Non-Compliance Information

The registered provider stated in their response that:

### General Safety:

1. Children had access to the utility and staff kitchen, as they were not secured. This posed as a safety risk to the children.

### Infection Control:

2. The nappy changing procedures observed were not completed in accordance with the service's nappy changing procedure. The staff did not consistently wash their hands prior to and after nappy changing. Childrens hands were not washed after nappy changing. This may pose a risk of cross infection.
3. It is acknowledged that the Penguins room which accommodates children aged 1-2 years was closed on the day of inspection. However, the inspectors observed a large quantity of insects crawling around the floor posing a risk of contamination to the young infants should they be in attendance.

## Action submitted by the Registered Provider

The registered provider stated in their response that:

### Corrective & Preventive Action

**General Safety:**

1. The service will ensure in future that all adult areas are secured and this will be monitored going forward.

**Infection Control:**

2. Staff have received additional training and have been advised to wash hand between nappy changes and wash children’s hands. Regular training will be provided on best practice in nappy changing and nappy changing will be monitored by the management team.
3. The Penguins room was closed this was investigated and it was found to be caused by building works on the site next to the creche and was resolved on the same date. The service will monitor and carry out regular checks for same in the future.

**Supporting documentation submitted**

**General Safety:**

1. No evidence submitted.

**Infection Control:**

- 2 & 3. No evidence submitted.

**Summary Comment**

- 1-3 The actions as stated by the registered provider will address the non-compliances identified.

## Part VI - Safety

### Regulation 24 - Checking in and out and record of attendance

*(1) A registered provider shall ensure that each pre-school child attending the service is checked in and out of the service by an employee or an unpaid worker.*

#### Non-Compliance Information

All children were not signed into the childcare service on arrival. Two children were not signed into the service by the staff in the Lions / Hippos room who had been in attendance for more than one hour.

#### Corrective & Preventive Action submitted by the Registered Provider

The registered provider stated in their response that:

##### **Corrective and Preventive Action**

Staff have received further training and been advised of the importance of accurate maintenance of records including attendance records. Regular training will be provided and it has been added to the induction training schedule to avoid future instances.

##### **Supporting documentation submitted**

No evidence submitted.

#### Summary Comment

The actions as stated by the registered provider will address the non-compliance identified.

### Part VI - Safety

#### Regulation 25 - First aid

- (1) A registered provider shall ensure that a person trained in first aid for children is, at all times, immediately available to the children attending the pre-school service.*
- (2) A registered provider shall ensure that a suitably equipped first aid box for children-*
- (a) is safely stored in an easily accessible and conspicuous position on the premises, and*
  - (b) is available to the children attending the pre-school service at all times.*

#### Compliance Information

- (1) The service provided evidence that a person trained in first aid for children, was available to the children attending the pre-school service.
- (2)(a) The service had a first aid box available for the service with content items within date, safely stored, easily accessible in the service kitchen.
- (b) The service demonstrated that the two first aid boxes were fully equipped and available to the children attending the pre-school service.

### Part VI - Safety

### Regulation 26 - Fire safety measures

- (1) A registered provider shall ensure that a record in writing is kept of-
- (a) any fire drill that takes place in the premises, and
  - (b) the number, type and maintenance record of fire fighting equipment and smoke alarms in the premises.
- (4) A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the premises.

#### Compliance Information

- (1)(a) A written record was available of the monthly fire drills completed in the service. The last recorded fire drill was dated the 19th of April 2023.
- (b) Records were available in relation to the number, type, and maintenance of fire-fighting equipment with the annual service dated 9th of November 2022.
- The smoke and fire detection alarm system for the premises had the last annual service dated 9<sup>th</sup> of November 2022.
- (4) Notices were displayed within the service of the procedures to be followed in the event of fire in the premises.

### Part VI - Safety

#### Regulation 28 - Insurance

*A registered provider shall ensure that the pre-school service is adequately insured.*

#### Compliance Information

The service is adequately insured. The insurance certificate was insured for 56 children at any one time, with an expiry date of 27th of March 2024, was available.

## Part VIII - Notifications and Complaints

### Regulation 32 – Complaints

- (1) A registered provider shall ensure that the complaints policy of the service specifies-*
- (a) the procedure to be followed by a person for the purposes of making a complaint in relation to the service,*
  - (b) the manner in which such a complaint shall be dealt with, and*
  - (c) the procedures for keeping a person who makes such a complaint informed of the manner in which it is being dealt with.*
- (4) A registered provider shall ensure that a record in writing referred to in paragraph (2)(a) is retained for a period of 2 years from the date on which the complaint has been dealt with.*

### Compliance Information

(1)(a),(b),(c)

The service has a complaints policy outlining the process and procedure for investigating a complaint. The manager demonstrated a good knowledge of the service policy and the implementation of the complaints procedure and how the service deals with complaints.

(b) The manager demonstrated a good knowledge of the manner through which a complaint is dealt with.

(c) The manager outlined the manner in which a complaint is kept up to date in relation to complaint.

(4) The service policy detailed that a record is maintained for two years from the date on which the complaint was made.